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FAX MESSAGE - PLEASE DELIVER IMMEDIATELY

Send to: Examiner Garnette Draper
U.S. Patent and Trademark Office
Art Unit 1646

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From: Simone L. Jones
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Date: January 21, 2000

No. of pages including this page: 3

RE:

U.S. Patent Application Serial No. 08/538,709
Attorney Docket No. 2826-A

U.S. Patent Application Serial No. 09/173,492
Attorney Docket No. 2826-E

Attached please find an amendment in connection with U.S. Patent Application Serial No. 08/538,709. As we discussed on the telephone, this amendment should obviate the pending obviousness-type double patenting rejection in U.S. Application Serial No. 09/173,492.

If you have any questions or need additional information, please do not hesitate to contact me at the above telephone number.

Thank you.

If transmission problems occur contact Laura Mulholland at 206-587-0430 Ext. 4444.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Douglas P. Cerretti Docket No. 2826-A

Serial No. 08/538,709 Art Unit: 1646

Filed: October 3, 1995 Examiner: Garnette Draper

For: DNA THAT ENCODES FOR A CYTOKINE DESIGNATED LERK-6
(AS AMENDED)

AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Communication mailed December 7, 1998, and a telephone conversation between the Examiner and the Undersigned, Applicant amends the application as follows:

In the claims:

Please amend the claims as follows:

- 2 (twice amended) An isolated DNA sequence encoding a LERK 6 polypeptide that binds hek/elk and that is at least 90% identical with the sequence of amino acid residues [selected from the group consisting of] 1 to 184 of SEQ ID NO:2 [and 1 to 104 of SEQ ID NO:8] wherein the percent identity is calculated using the GAP program with a unary comparison matrix, a 3.0 gap penalty, an additional 0.10 penalty for each symbol in each gap, and no penalty for end gaps.
- 3 (twice amended) An isolated DNA sequence, comprising the nucleotide sequence [selected from the group consisting of] 1 to 552 of SEQ ID NO:1 [and 2 to 313 of SEQ ID NO:1]
- 4 (twice amended) A DNA, selected from the group consisting of
a) a DNA sequence [selected from the group consisting of] SEQ ID NO:1
[and SEQ ID NO:1] that codes for LERK-6.